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as a whole and regard each in the light of all the others. These instructions are in addition to the instructions that you have already received.

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Punitive Damages – Title VII and Section 1981

If you find that the Plaintiff is entitled to punitive damages, you must decide the amount of those damages. The Plaintiff has the burden of proving by a preponderance of the evidence the amount of punitive damages that you should award. In making your decision you must consider the instructions that I have already given you and also the following:

- a. The Defendant's net worth and financial condition;
- b. The objectionable nature of the Defendant's wrongdoing, the impact of the Defendant's conduct on the Plaintiff, and the relationship of the Parties;
- c. The Defendant's awareness of the amount of harm being caused and the Defendant's motivation in causing that harm;
- d. The duration of the Defendant's misconduct and whether the Defendant attempted to conceal the conduct;
- e. Whether the Defendant profited from the activity, and if so, whether the punitive award should be in excess of the profit in order to deter similar future behavior;
- f. The number and amount of previous punitive damage awards against the Defendant based upon the same wrongful act;
- g. Whether, once the misconduct became known to the Defendant, the Defendant tried to remedy the situation or offered a prompt and fair settlement for the actual harm caused; and
- h. Any other circumstances shown by the evidence that bear on determining the proper amount of the punitive award.

You have already awarded compensatory damages for the purpose of making the Plaintiff whole. The purpose of an award for punitive damages is to punish the wrongdoer and to deter

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misconduct by the Defendant or others. The amount, if any, is up to you the jury. You are not required to award any amount of punitive damages.

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Liquidated Damages – ADEA

The ADEA provides for additional damages for a willful violation. Liquidated damages may be up to a doubling of the total of back pay, front pay, and compensatory damages to which you have already determined the Plaintiff is entitled. Again, you are not required to award any amount of additional damages.